

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

The Minutes

April 25, 2005

At 9:37 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Davis, Associate Justice; Morrison, Associate Justice and Guzman, bailiff.

C046949 THE PEOPLE v. COTE

Cause called. Alison Bermant argued for appellant. George M. Hendrickson, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:49 a.m., the court recessed. At 9:54 a.m., the court reconvened with Raye, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C046837 THE PEOPLE v. CARTER

Cause called. Peggy A. Headley, court appointed counsel, argued for appellant. Janine R. Busch, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:10 a.m., the court recessed until 9:30 a.m., Thursday, April 28, 2005.

C047232 THE PEOPLE v. FOSTER (Not for Publication)

The judgment of conviction is affirmed and the sentence is vacated. The cause is remanded for resentencing in accordance with section 1170.1.

CANTIL-SAKAUYE, J.

We Concur: Sims, Acting P.J.
Robie, J.

C046153 COUNTRY EGGS, INC. v. KAWAMURA et al. (Not for Publication)

The judgment is affirmed. Defendants are awarded their costs on appeal. (Cal. Rules of Court, rule 27(a).)

HULL, J.

We Concur: Blease, Acting P.J.
Butz, J.

C047285 SOMERS v. AUGIAS CORPORATION, INC. (Not for Publication)

The judgment is affirmed. Plaintiff shall recover his costs on appeal.

HULL, J.

We Concur: Blease, Acting P.J.
Nicholson, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

The Minutes

April 25, 2005, continued

C047156 KILLEBREW v. JOHNSON (Not for Publication)

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Scotland, P.J.

Davis, J.

C046880 THE PEOPLE v. NARAYAN

C047126 THE PEOPLE v. DEO et al.

BY THE COURT:

The motion of appellant Rajnesh Narayan for consolidation of the above cases is granted. The cases are ordered consolidated for all further appellate procedures except that they will retain their respective case numbers. Whenever documents are submitted for filing by the parties, an original must be presented for each case number; however, if copies of documents are required pursuant to the California Rules of Court, the parties need only submit a maximum of four. The cases will be considered for decision together.

Appellants' combined opening briefs are due 30 days after the filing of the augmented record.

SCOTLAND, P.J.

April 26, 2005

C044522 THE PEOPLE v. OLTMAN et al. (Not for Publication)

The judgments are affirmed.

MORRISON, J.

We Concur: Scotland, P.J.

Robie, J.

C044728 THE PEOPLE v. COFFMAN (Not for Publication)

The judgment is affirmed.

MORRISON, J.

We Concur: Nicholson, Acting P.J.

Hull, J.

C045638 THE PEOPLE v. TOY (Not for Publication)

We modify the judgment... and affirm the judgment as modified.

MORRISON, J.

We Concur: Scotland, P.J.

Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

3

The Minutes

April 26, 2005, continued

- C045680 THE PEOPLE v. WILLIAMS, JR. (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Raye, J.
Butz, J.
- C047495 THE PEOPLE v. BUCKLEY (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C045651 GLATFELTER v. GLATFELTER (Not for Publication)**
That portion of the judgment annulling the marriage is reversed and the trial court is directed to enter a new judgment dissolving the marriage. In all other respects, the judgment is affirmed. Michael's appeal of that portion of the judgment granting Yolanda status as a putative spouse is dismissed as moot. Yolanda's request for attorney fees and motion for sanctions are each denied. She shall, however, recover her costs on appeal. (Cal. Rules of Court, rule 27(a).)
BUTZ, J.
We Concur: Davis, Acting P.J.
Robie, J.
- C047658 SMALLEY v. BATY, JR., et al. (CERTIFIED FOR PUBLICATION)**
The judgment is reversed. Plaintiff shall receive his costs on appeal. (Cal. Rules of Court, rules 27(a).)
SIMS, J.
We Concur: Blease, Acting P.J.
Hull, J.
- C046692 In re B.C.; TRINITY COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. AILEEN K. (Not for Publication)**
The appeal is dismissed.
BUTZ, J.
We Concur: Sims, Acting P.J.
Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

The Minutes

April 27, 2005, continued

- C048222 THE PEOPLE v. WOODS (Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Robie, J.
Butz, J.
- C046058 WESTERN PACIFIC STATES CONSTRUCTION, INC. v. FREY (Not for Publication)**
The judgment is affirmed...
NICHOLSON, J.
We Concur: Sims, Acting P.J.
Robie, J.
- C046467 HULSEY et al. v. SAFEWAY, INC. (Not for Publication)**
The judgment is affirmed. Safeway, Inc. is awarded its costs on appeal.
(Cal. Rules of Court, rule 27(a) (1).)
BLEASE, Acting P.J.
We Concur: Nicholson, J.
Robie, J.
- C046508 GETTINGS v. TONEY (Not for Publication)**
The judgment is reversed. Appellant shall be awarded costs.
BLEASE, Acting P.J.
We Concur: Davis, J.
Butz, J.
- C043922 THE PEOPLE v. MCGEE (Not for Publication)**
THE COURT:
The opinion of this court filed April 15, 2005, in the above-entitled case is modified as follows:...
...This modification does not effect a change in the judgment.
FOR THE COURT:
BLEASE, Acting P.J.
NICHOLSON, J.
HULL, J.

April 28, 2005

At 9:40 a.m., the court met at Marysville High School, Marysville, California for a special court calendar session. Present were Scotland, Presiding Justice; Morrison, Associate Justice; Cantil-Sakauye, Associate Justice; and Cavazos, bailiff.

6

April 28, 2005, continued

At 10:14 a.m., the court recessed. At 10:17 a.m., the court reconvened.

Cause called. J. Brian Powers argued for appellant. John C. Maples argued for respondent. Cause submitted.

At 10:49 a.m., the court recessed until 9:30 a.m., Monday, May 16, 2005.

C045913 THE PEOPLE v. BECK (Not for Publication)

The judgment is affirmed.
ROBIE, J.
I concur: Blease, Acting P.J.
I concur fully except as to part III (Blakely) as to which I concur in the result.
Nicholson, J.

C046650 THE PEOPLE v. PIPKINS (Not for Publication)

The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Davis, J.
Cantil-Sakauye, J.

C046753 THE PEOPLE v. SLOVER (Not for Publication)

The judgment as amended is affirmed.
MORRISON, J.
I concur: Raye, J.
... I simply concur in the result reached by the majority.
Scotland, P.J.

April 29, 2005

C045781 THE PEOPLE v. LANDS (Not for Publication)

The judgment is affirmed.
MORRISON, J.
We Concur: Blease, Acting P.J.
Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

The Minutes

April 29, 2005, continued

- C045816 THE PEOPLE v. MORA (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Morrison, J.
Robie, J.
- C046038 THE PEOPLE v. FRIES (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Blease, Acting P.J.
Robie, J.
- C046119 THE PEOPLE v. JONES (Not for Publication)**
The judgment is reversed and the cause remanded to the trial court.
Upon motion by defendant made within 45 days of the date the remittitur is filed
in the trial court, the court shall vacate defendant's no contest plea. If defendant
does not move to withdraw his plea, the trial court shall reinstate the judgment.
BUTZ, J.
We Concur: Sims, Acting P.J.
Cantil-Sakauye, J.
- C046241 THE PEOPLE v. HUGO (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Blease, Acting P.J.
Robie, J.
- C046538 THE PEOPLE v. WELLMAN (Not for Publication)**
The judgment is reversed.
BLEASE, Acting P.J.
We Concur: Morrison, J.
Robie, J.
- C047482 THE PEOPLE v. McDERMITT (Not for Publication)**
The judgment is affirmed.
DAVIS, Acting P.J.
We Concur: Raye, J.
Robie, J.
- C047863 THE PEOPLE v. BELL (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Sims, Acting P.J.
Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

8

The Minutes

April 29, 2005, continued

- C048341 THE PEOPLE v. SKANKS (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
Morrison, J.
- C044201 ANOLIK v. EMC MORTGAGE CORP. et al. (Certified for Partial Publication)**
The judgment and the order awarding attorney fees to EMC are reversed and the case is remanded to the trial court for further proceedings consistent with this opinion. Anolik shall recover his costs on appeal. (Cal. Rules of Court, rule 27(a).)
ROBIE, J.
We Concur: Morrison, Acting P.J.
Hull, J.
- C045215 SINGH v. VINTAGE ESTATES (Not for Publication)**
The judgment is affirmed.
RAYE, Acting P.J.
We Concur: Morrison, J.
Butz, J.
- C047073 SHOWALTER v. UNIVERSITY OF THE PACIFIC, McGEORGE SCHOOL OF LAW (Not for Publication)**
The judgment is affirmed. Defendant shall receive its costs on appeal. (Cal. Rules of Court, rule 27(a).)
SIMS, Acting P.J.
We Concur: Davis, J.
Raye, J.
- C046094 In re R.B.;SISKIYOU COUNTY DEPARTMENT OF HUMAN SERVICES v. B.G. (Not for Publication)**
The judgment of disposition is affirmed.
Morrison, J.
We Concur: Sims, Acting P.J.
Robie, J.

9

April 29, 2005, continued

**C047454 In re FRANKIE G. et al.; SAN JOAQUIN COUNTY HUMAN SERVICES
AGENCY v. JUDITH C. (Not for Publication)**

SIMS, Acting P.J.

Morrison, J.